

ORDINANCE TO CREATE SECTION 9.105 OF THE VILLAGE OF STURTEVANT
ORDINANCE PERTAINING TO GRAFFITI.

The Village Board of the Village of Sturtevant, Racine County, Wisconsin do resolve as follows to amend the Ordinances of the Village of Sturtevant Chapter 9 to create Section 9.105 as follows:

9.105 GRAFFITI

- (1) DEFINITION. For the purpose of this section, graffiti means any unauthorized inscription, word, painting or other defacement that is engraved on or otherwise affixed to any surface of public or private property by any implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advanced authorization is otherwise deemed a public nuisance by the Village of Sturtevant.
- (2) PROHIBITED CONDUCT- It shall be unlawful for any person to write, draw, inscribe, mark, scratch, paint spray or otherwise place graffiti of any kind on any public or private building, structure, or place or on any real or personal property. Graffiti is declared a public nuisance and is destructive to the rights and values of the property owners as well as the entire community.
- (3) ALLOWING GRAFFITI- No owner of real property within the Village shall allow any graffiti to remain upon any structure located on the owner's property when the graffiti is visible from the street or from other public or private property.
- (4) NOTIFICATION OF VIOLATION- Whenever the Director of Public Safety or his designee determines that graffiti on any building or structure within the Village is visible from the street or from other public or private property, the Director of Public Safety or his designee shall issue an order to the owner of the property to abate the graffiti in a timely manner.
- (5) COMPLIANCE- A property owner shall be deemed to have complied with an order to abate graffiti if it is obliterated by a primary paint and matching building paint or by such other means as shall obliterate the graffiti.
- (6) FAILURE TO COMPLY- If a property owner fails to comply with an order to abate issued pursuant to subsection(4) above, the Director of Public Safety or his designee may cause the graffiti to be abated either by Village employees or by an independent contractor. The Village and/or the independent contractor are authorized to enter upon the property and abate the graffiti upon exterior walls, fences, billboards and other structures abutting public streets, property or right of way. The Village or private contractor will take all reasonable precautions to avoid causing damage to the property where the graffiti is abated. Any paint used to obliterate graffiti shall be as close as practical to the background color or

colors in the area where the graffiti is abated. The cost of abating the graffiti shall, pursuant to section 66.0627 Wis. Stats., shall be imposed as a special charge against the real property for the cost of the service provided. If the special charge is not paid within 30 days, the special charge shall be deemed delinquent and shall be a lien against the property as of the date of delinquency. The delinquent special charge shall be included in the current or next tax roll for collection and settlement under Chapter 74, Wis. Stats.

- (7) PENALTIES- Any person who violates subsection (2) above shall be the subject to a forfeiture of not less than \$250 in addition to any applicable fees, assessments and the costs of prosecution and any person who previously has been convicted of a violation of this section shall be subject to a forfeiture of not less than \$500 in addition to any applicable fees, assessments and the costs of prosecution. In addition, any person who shall cause physical damage to or destroy any public property shall be liable for the costs of replacing or repairing such damaged or destroyed property. The parent or parents of any unemancipated minor child who violates this section may also be held liable for the cost of replacing or repairing such damage or destroyed property.

This ordinance shall take effect upon adoption as provided by law.

Adopted by the Village Board of the Village of Sturtevant, Racine County, Wisconsin this 5th day of July, 2006.

VILLAGE OF STURTEVANT

By: _____
Steven Jansen, Village President

Attest _____
Mary Hanstad, Interim Clerk